

By Chris Miller

74 J.R. No. 7

Willis

A JOINT RESOLUTION

proposing amendments to Article XVI, Sections 50 and 51, of the Texas Constitution, to include within the scope of homestead protection the real property of ~~an unmarried adult~~ which meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned except with the consent of both spouses.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article XVI, Section 50, of the Texas Constitution, be amended to read as follows:

"Section 50. The homestead of a family, or of an unmarried adult, ~~male or female~~, shall be, and is hereby protected from forced sale, for the payment of all debts except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of both spouses, in the case of a family homestead, ~~[the-wife]~~ given in the same manner as is required in making a sale and conveyance of the homestead; nor may ~~[shall]~~ the owner or claimant of the property claimed as homestead, if ~~[a]~~ married ~~[man]~~, sell or abandon the homestead without the consent of the other spouse ~~[wife]~~, given in such manner as may be prescribed by law. No mortgage, trust deed, or other lien on the homestead shall ever be valid, except for the purchase money therefor, or improvements made thereon,

1 as hereinbefore provided, whether such mortgage, or trust deed,
2 or other lien, shall have been created by the owner [husband]
3 alone, or together with his or her spouse, in case the owner is
4 married. All [~~wife, and all~~] pretended sales of the homestead
5 involving any condition of defeasance shall be void. (1)

6 Sec. 2. That Article XVI, Section 51, of the Texas
7 Constitution, be amended to read as follows:

8 "Section 51. The homestead, not in a town or city, shall
9 consist of not more than two hundred acres of land, which may be
10 in one or more parcels, with the improvements thereon; the
11 homestead in a city, town or village, shall consist of lot, or
12 lots, not to exceed in value Ten Thousand Dollars, at the time
13 of their designation as the homestead, without reference to the
14 value of any improvements thereon; provided, that the same shall
15 be used for the purposes of a home, or as a place to exercise the
16 calling or business of the homestead claimant, whether ~~an unmarried~~
17 ~~adult, male or female~~, or the head of a family; provided also,
18 that any temporary renting of the homestead shall not change the
19 character of the same, when no other homestead has been acquired. (1)

20 Sec. 3. The foregoing constitutional amendment shall be
21 submitted to a vote of the qualified electors of this state at
22 an election to be held on the first Tuesday after the first Monday
23 in November, 1974, at which election the ballots shall be printed
24 to provide for voting for or against the proposition: "The
25 constitutional amendment to include within the scope of homestead
26 protection the real property of ~~an unmarried adult~~ which meets
27 the other requirements of homestead property, and to provide that

1 a family homestead may not be abandoned except with the consent
2 of both spouses."

FORM B

COMMITTEE REPORT

Date Feb 21, 1973

HONORABLE PRICE DANIEL, JR.

Speaker of the House of Representatives.

Sir:

We, your Committee on JUDICIARY, to whom was referred H. J. R. No. 7, have had the same under consideration and beg to report back with recommendation that it do pass, as amended.

~~The Committee recommends that this measure be considered for the Local and Consent Calendar.~~

House sponsor of Senate measure: _____

The measure was reported from Committee by the following record vote:

<u>12</u>	ayes
<u>1</u>	nays
<u>0</u>	present, not voting
<u>0</u>	absent

C. Delbert Hall
Chairman.

Calendar

BILL ANALYSIS1. BACKGROUND

The present constitutional provision concerning the protection of a homestead is restricted to that of a family. In order to recognize the equality of unmarried persons and of both spouses a change is needed in the Constitution.

2. PURPOSE

To amend the Texas Constitution, Article XVI, Sections 50 and 51 to provide the same rights to unmarried adults that has been afforded to families in the area of homestead protection. The legal effect being that the homestead of single persons would enjoy protection from forced sale which had formally been available only to family homesteads.

3. SECTION BY SECTION

Section 1: Amends Article XVI, Sec. 50 of the Texas Constitution adding language to extend the protection afforded families to unmarried adults, male or female. Also requires the consent of both spouses to abandon the homestead in the case of a family.

Section 2: Amends Article XVI, Sec. 51 of the Texas Constitution adding language in the definition of a homestead to include the place to exercise the calling or business of the homestead claimant, whether married or single, male or female.

4. Summary of Committee Action:

The Judiciary Committee heard H.J.R. 7 in a public hearing on ~~Jan 31, 1973~~ Jan 31, 1973 notice of which was posted Jan 26, 1973. The Resolution was sent to a sub-committee which met on Feb 14, 1973 and voted in a record vote of 3 aye, 0 nay, and 2 absent to refer the Resolution back to the Committee with the recommendation that the Committee adopt Sub-committee Amendment Number 1 and with the recommendation that the Resolution as amended do pass. The Committee then met on February 21, 1973 and voted 12 aye, 1 nay and 9 absent to send the Resolution to the House with the recommendation that it do pass as amended.

Nowlin

Sub-Committee Amendment Number 1

By: Nowlin

Amend H.J.R. 7 at page 2, line 5 of the first printing of the Resolution by adding an additional sentence after the last sentence in Section 1, to read as follows:

① "This amendment shall become effective upon its adoption."

and amend H.J.R. 7 at page 2, line 19 of the first printing of the Resolution by adding an additional sentence after the last sentence in Section 2, to read as follows:

① "This amendment shall become effective upon its adoption."

Nowlin

DATE MAR 6 1973
READ AND ADOPTED
Dorothy Hallman
Chief Clerk
House of Representatives

AMENDMENT NO. _____

BY _____

Spant

1 Amend H.J.R. No. 7, Second Printing, by striking the phrase
2 "an unmarried adult, male or female" in lines 10 and 11 of page
3 1 and lines 16 and 17 of page 2 and substituting the phrase "a
4 single adult person".

MR

DATE MAR 6 1973

READ AND ADOPTED

Dorothy Hallman
Chief Clerk
House of Representatives

UNANIMOUS CONSENT MOTION

Representative Miller asks unanimous consent of the House that the Enrolling and Engrossing Clerk be, and is hereby, authorized to make the following correction in H. J. R. No. 7 appearing in the proposition for submission to the voters:

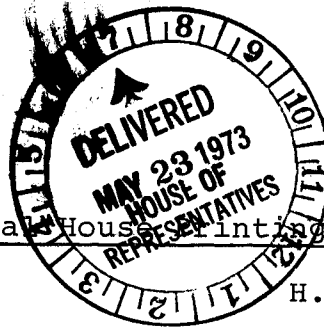
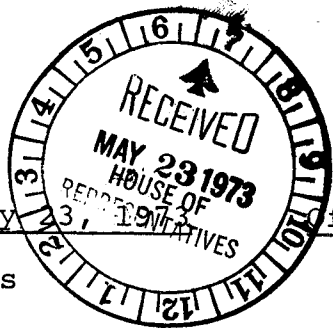
In Section 3, pg. 3 of the Engrossed Resolution strike the words "an unmarried adult" and insert in lieu thereof the words "a single adult person" to conform to amendments adopted by the House on final passage.

MAR 6 1973

Consent given
NR ✓

Dorothy Hallman
Chief Clerk, House of Representatives

BBH



THIRD PRINTING May 23, 1973 Official House Printing, 63rd. Leg.

By: Miller, Willis

H. J. R. No. 7

(In the House.--January 17, 1973, Filed; January 18, 1973, Read first time and referred to Committee on Judiciary; February 22, 1973, Reported favorably as amended, sent to printer; February 22, 1973, Printed, distributed and referred to Committee on Calendars at 10:00 a.m.; March 6, 1973, Read second time, amended and adopted by the following vote: Yeas 131, Nays 10.)

DOROTHY HALLMAN

Chief Clerk, House of Representatives

March 6, 1973, Sent to Engrossing Clerk.

March 6, 1973, Engrossed.

OREA GUFFIN

Engrossing Clerk, House of Representatives

March 6, 1973, Returned from Engrossing Clerk, sent to the Senate.

March 7, 1973, Received from the House.

(In the Senate.--March 7, 1973, Read, referred to Committee on State Affairs; May 17, 1973, Reported favorably, as amended; May 17, 1973, Ordered not printed; May 23, 1973, Regular order of business and Constitutional rules to permit consideration suspended by unanimous consent; May 23, 1973, Read second time, amended, passed to third reading; May 23, 1973, Caption ordered amended to conform to body of bill; May 23, 1973, Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage; May 23, 1973, Read third time and passed by 31 yeas, 0 nays.)

CHARLES SCHNABEL

Secretary of the Senate

May 23, 1973, Returned to House.

May 23, 1973, Returned from Senate, as amended.

DOROTHY HALLMAN

Chief Clerk, House of Representatives

May 23, 1973, Sent to Printer.

(REFER TO SECOND PRINTING FOR ORIGINAL TEXT THEREOF.)

SENATE AMENDMENT NO. 1

Amend Sec. 3, line 23, by substituting 1973 in lieu of 1974.

Longoria

Adopted, May 23, 1973.

CHARLES SCHNABEL

Secretary of the Senate

SENATE AMENDMENT NO. 2

Amend caption to conform to body of bill.

Adopted, May 23, 1973.

CHARLES SCHNABEL

Secretary of the Senate

COMMITTEE REPORT

COMMITTEE ROOM
Austin, Texas, May 17, 1973

Honorable William P. Hobby
President of the Senate

Sir: We, your Committee on State Affairs, to which was referred H.J.R. No. 7, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

Moore, Chairman

By: Miller, Willis

H.J.R. No. 7

HOUSE JOINT RESOLUTION

1 proposing amendments to Article XVI, Sections 50 and 51, of the
2 Texas Constitution, to include within the scope of homestead
3 protection the real property of a single adult person which meets
4 the other requirements of homestead property, and to provide that
5 a family homestead may not be abandoned except with the consent
6 of both spouses. _____

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS: _____

8 Section 1. That Article XVI, Section 50, of the Texas
9 Constitution, be amended to read as follows: _____

10 "Section 50. The homestead of a family, or of a single
11 adult person, shall be, and is hereby protected from forced sale,
12 for the payment of all debts except for the purchase money thereof,
13 or a part of such purchase money, the taxes due thereon, or for
14 work and material used in constructing improvements thereon, and
15 in this last case only when the work and material are contracted
16 for in writing, with the consent of both spouses, in the case of
17 a family homestead, [~~the-wife~~] given in the same manner as is
18 required in making a sale and conveyance of the homestead; nor
19 may [~~shall~~] the owner or claimant of the property claimed as
20 homestead, if [a] married [man], sell or abandon the homestead
21 without the consent of the other spouse [~~wife~~], given in such
22 manner as may be prescribed by law. No mortgage, trust deed, or
23 other lien on the homestead shall ever be valid, except for the
24 purchase money therefor, or improvements made thereon, as _____

1 hereinbefore provided, whether such mortgage, or trust deed, or
2 other lien, shall have been created by the owner [~~husband~~] alone,
3 or together with his or her spouse, in case the owner is married.
4 All [~~wife, -and- all~~] pretended sales of the homestead involving
5 any condition of defeasance shall be void. This amendment shall
6 become effective upon its adoption."

7 Sec. 2. That Article XVI, Section 51, of the Texas
8 Constitution, be amended to read as follows:

9 "Section 51. The homestead, not in a town or city, shall
10 consist of not more than two hundred acres of land, which may be
11 in one or more parcels, with the improvements thereon; the
12 homestead in a city, town or village, shall consist of lot, or
13 lots, not to exceed in value Ten Thousand Dollars, at the time
14 of their designation as the homestead, without reference to the
15 value of any improvements thereon; provided, that the same shall
16 be used for the purposes of a home, or as a place to exercise the
17 calling or business of the homestead claimant, whether a single
18 adult person, or the head of a family; provided also, that any
19 temporary renting of the homestead shall not change the character
20 of the same, when no other homestead has been acquired. This
21 amendment shall become effective upon its adoption."

22 Sec. 3. The foregoing constitutional amendment shall be
23 submitted to a vote of the qualified electors of this state at
24 an election to be held on the first Tuesday after the first Monday
25 in November, ¹⁹⁷² ~~1974~~, at which election the ballots shall be printed
26 to provide for voting for or against the proposition: "The

H.J.R. No. 7

1 constitutional amendment to include within the scope of homestead
2 protection the real property of a single adult person which meets
3 the other requirements of homestead property, and to provide that
4 a family homestead may not be abandoned except with the consent
5 of both spouses."_____

Amendment No. 1 to H.J.R. 7

Loggia

Amend Sec. 3, line 23, by substituting 1973 in lieu of
1974.

ADOPTED

MAY 23 1973

Charles Schuab

SECRETARY OF SENATE

(#1)

Amend caption to conform to body
of bill.

ADOPTED

MAY 23 1973

Charles Schuab

SECRETARY OF SENATE

(#2)

Austin, Texas

May 17, 19 73

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on State Affairs,
to which was referred H.J.R. No. 7, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ as amended _____ and be _____ not _____ printed.


Chairman

CAS

A

ENROLLED

H.J.R. No. 7

HOUSE JOINT RESOLUTION

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2 Texas Constitution, to include within the scope of homestead
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14 work and material used in constructing improvements thereon, and
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16 for in writing, with the consent of both spouses, in the case of
17 a family homestead, ~~[the-wife]~~ given in the same manner as is
18 required in making a sale and conveyance of the homestead; nor
19 may ~~[shall]~~ the owner or claimant of the property claimed as
20 homestead, if ~~[a]~~ married ~~[man]~~, sell or abandon the homestead
21 without the consent of the other spouse ~~[wife]~~, given in such
22 manner as may be prescribed by law. No mortgage, trust deed, or
23 other lien on the homestead shall ever be valid, except for the
24 purchase money therefor, or improvements made thereon, as

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H.J.R. No. 7

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2 protection the real property of a single adult person which meets
3 the other requirements of homestead property, and to provide that
4 a family homestead may not be abandoned except with the consent
5 of both spouses."

President of the Senate

Speaker of the House

I hereby certify that H.J.R. No. 7 was passed by the House on March 6, 1973, by the following vote: Yeas 131, Nays 10; and that the House concurred in Senate amendments to H.J.R. No. 7 on May 25, 1973, by the following vote: Yeas 128, Nays 8.

Chief Clerk of the House

H.J.R. No. 7

I hereby certify that H.J.R. No. 7 was passed by the Senate,
as amended, on May 23, 1973, by the following vote: Yeas 31,
Nays 0.

Secretary of the Senate

APPROVED: 6-16-73
Date

Signed
Governor

To Be Voted On
Nov. 6, 1973

FILED IN THE SENATE
4:30 PM
JUN 16 1973
Secretary of State

A JOINT RESOLUTION

proposing amendments to Article XVI, Sections 50 and 51, of the Texas Constitution, to include within the scope of homestead protection the real property of an unmarried adult which meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned except with the consent of both spouses.

DATE MAR 6 1973
amended
READ AND ADOPTED BY RECORD VOTE OF
AYES 131 NAYS 10
Dorothy Hallman
Chief Clerk
House of Representatives

FILED JAN 17 1973

READ 1ST TIME
AND REFERRED TO COMMITTEE ON
Judiciary JAN 18 1973
Dorothy Hallman
Chief Clerk, House of Representatives

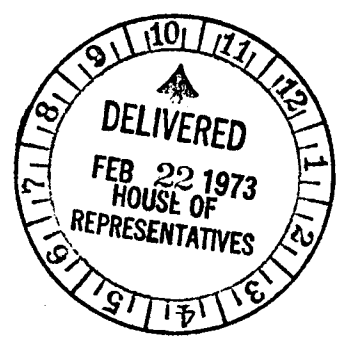
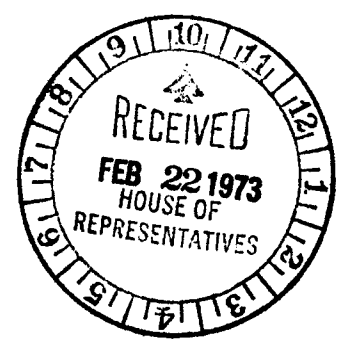
MAR 6 1973 SENT TO ENGROSSING CLERK

FEB 22 1973 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER

Caption amended to conform to body of bill under authority of Rule IV, Sec. 28 Rules of the House of Representatives.

3/6/73
(Date)
Anna Rupp
(Engrossing and Enrolling Clerk)

APPROVED:
Chris Thibault
(Author)



PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
CALENDARS 10:00 A.M. FEB 22 1973
(Time) (Date)

By: Miller, Willis

H.J.R. No. 7

HOUSE JOINT RESOLUTION

proposing amendments to Article XVI, Sections 50 and 51, of the Texas Constitution, to include within the scope of homestead protection the real property of a single adult person which meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned except with the consent of both spouses. _____

1-17-73 Filed. _____

1-18-73 Read first time and referred to Committee on Judiciary. _____

2-22-73 Reported favorably as amended, sent to printer. _____

2-22-73 Printed, distributed and referred to Committee on Calendars at 10:00 a.m. _____

3- 6-73 Read second time, amended and adopted by the following vote: Yeas 131, Nays 10. _____

Dorothy Hallman
Chief Clerk, H. of R.

3- 6-73 Sent to Engrossing Clerk. _____

3- 6-73 Engrossed. _____

Orea Suppin
Engrossing Clerk, H. of R.

MAR 6 1973

RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAR 7 1973

Received from the House

MAR 7 1973

Read, referred to Committee on STATE AFFAIRS

MAY 17 1973

Reported favorably. as amended

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 17 1973

Ordered not printed.

MAY 23 1973

Regular order of business and Constitutional rules to permit consideration suspended by

(unanimous consent.

(yeas, nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of yeas, nays.

MAY 23 1973

Read second time. amended passed to third reading.

MAY 23 1973

Caption ordered amended to conform to body of bill.

MAY 23 1973

Senate and Constitutional 3-Day Rules suspended by vote of

31 yeas, 0 nays to place bill on third reading and final passage.

MAY 23 1973

Read third time and passed by

(a viva voce vote.

(31 yeas, 0 nays.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

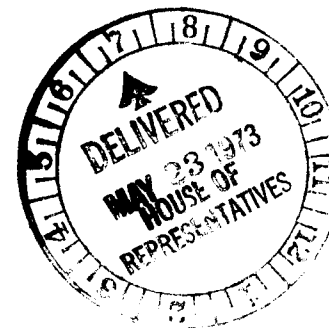
RETURNED FROM SENATE

MAY 23 1973

Amended
Gerard Hallman
Chief Clerk, House of Representatives

MAY 23 1973

Returned to HOUSE



MAY 25 1973

HJR 7

THE HOUSE CONCURRED IN SENATE AMENDMENTS
TO HJR NO. 7 BY RECORD VOTE OF
128 AYES, 8 NAYS.

Gerard Hallman
Chief Clerk, House of Representatives

MAY 25 1973

SENT TO ENROLLING CLERK

SENT TO PRINTER

MAY 23 1973